

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICHARD LASK,

Plaintiff,

vs.

Case No. 1:24-cv-455

Judge Jeffery P. Hopkins

Magistrate Judge Elizabeth P. Deavers

RANDY WALTERS, *et al.*,

Defendants.

ORDER

This matter is before the Court on Plaintiff’s Motion for Leave to File an Amended Complaint to Conform to the Evidence and Request to the Court to Stay the Defendants’ Answer. (ECF No. 13.) Defendant Spencer filed a response in opposition to Plaintiff’s Motion. (ECF No. 15.) Plaintiff seeks to add claims for false arrest, false imprisonment, and conspiracy under 42 U.S.C. § 1983, pursuant to Federal Rule of Civil Procedure 15(a). (ECF No. 13.) Plaintiff, however, failed to attach his proposed amended complaint to his Motion. Plaintiff is required to do so, so that the Court can “review the proposed amendments and determine whether leave to amend should be granted.” *Williams v. Green*, No. CV 0:19-131, 2020 WL 13789206, at *1 (E.D. Ky. Mar. 6, 2020) (citing *Kuyat v. BioMimetic Therapeutics, Inc.*, 747 F.3d 435, 414 (6th Cir. 2014)); *Cook v. Trostel*, No. 2:23-CV-2314, 2024 WL 1464297, at *2 (S.D. Ohio Jan. 10, 2024) (“Because Plaintiff did not attach a copy of a proposed amended complaint, the Court will deny Plaintiff’s request for leave at this time.”). Accordingly,

Plaintiff's Motion (ECF No. 13) is **DENIED without prejudice**.¹ If Plaintiff wishes to amend his complaint, he must file a motion for leave to amend within **THIRTY DAYS** of this Order.

This matter is also before the Court on Plaintiff's Motion for Extension [of] Time to Reply. (ECF No. 14.) Plaintiff requests an extension of time to reply to Defendants Walters, Purdin, Kelley, Spencer, and Adams County Municipality's Answer to his Amended Complaint. (*Id.*) Replies to answers are prohibited unless ordered by a court. *See* Fed. R. Civ. P. 7(a)(7). Accordingly, Plaintiff's Motion (ECF No. 14) is **DENIED**.

IT IS SO ORDERED.

DATED: December 9, 2024

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE

¹ The title of Plaintiff's Motion uses language from Federal Rule of Civil Procedure 15(b)(2), but Plaintiff does not cite to Rule 15(b)(2) in his Motion. To the extent that Plaintiff seeks leave to amend pursuant to Rule 15(b)(2), his request is **DENIED with prejudice**. Rule 15(b)(2) applies to amendments during and after trial. *See* Fed. R. Civ. P. 15(b)(2). Plaintiff's title also includes a request for a stay, but Plaintiff does not request a stay in his Motion. Plaintiff's purported request for a stay is **DENIED without prejudice**. *See United States v. Contents of Accts. Numbers 3034504504 & 144-07143 at Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 971 F.2d 974, 987 (3d Cir. 1992) ("The character of a motion is determined by its function, not its title.").